IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3974 OF 2004

with

WRIT PETITION NOS. 3975 AND 4009 OF 2004

Jagannath Nimba Devre and Ors. ... Petitioners

Versus

Ahilyadevi Shikshan Prasarak Mandal and Ors. ... Respondents.

Mr. N.R. Bubna for the petitioners.

Mr. Manish Mistry for respondent No.2.

CORAM: **KSHITIJ R. VYAS, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **MARCH 27, 2006**.

P.C.

Petitioner Nos. 1, 3 and 4 are the teaching staff and petitioner No.2 who claims to be the Headmaster-cum-trustee of respondent No.1-Trust have filed this petition challenging the judgment and order dated 31st December, 2003, passed by the Joint Charity Commissioner, Nasik Region, Nasik, in Application No. 70 of 2001 under which the management of the school was transferred to respondent No.2. It appears that the said order was passed in

pursuance of an application filed by the first respondent under Section 36 of the Bombay Public Trust Act, 1950.

2. Having heard the learned counsel for the parties, in our opinion, no interference is called for at this stage especially when the order under challenge has already been implemented as far as the transfer of the management of the school is concerned. There is no dispute to the fact that the Change Reports are pending. As and when the Change Reports are finalised, new body of the management will be at liberty to take such proceedings available to them in accordance with law. As far as the teachers and non-teaching staff are concerned, they can also approach the Court or take such proceedings provided their service conditions are adversely affected.

3. All the writ petitions are accordingly disposed of.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.